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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**
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6 DUSTON OMAR MILLER,
7 Plaintiff,

8 vs.

9 WILL HUBBARD,
10 Defendants.
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Case No. 2:16-cv-02051-RFB-GWF

ORDER

12 This matter is before the Court on Plaintiff's Request to Waive Service of Summons (ECF
13 No. 3), filed on September 9, 2016. Also before the Court is Plaintiff's Motion to Withdraw his
14 Application for Leave to Proceed *In Forma Pauperis* (ECF No. 10), filed on December 13, 2016.

15 Plaintiff filed an Application for Leave to Proceed *In Forma Pauperis* (ECF No. 1) on August
16 29, 2016. Following such an application, the Court will conduct a screening of Plaintiff's complaint
17 pursuant to 28 U.S.C. § 1915. To date, the Court has not issued its screening order in this matter and
18 will do so in due course. Therefore, Plaintiff's request to waive service of summons is premature.

19 Plaintiff's motion to withdraw represents that Plaintiff's second Application to Proceed *In*
20 *Forma Pauperis* (ECF No. 4) that was filed on September 9, 2016, was filed in error and Plaintiff
21 now seeks to withdraw that application. The Court finds good cause to grant Plaintiff's request.
22 Accordingly,

23 **IT IS HEREBY ORDERED** that Plaintiff's Request to Waive Service of Summons (ECF
24 No. 3) is **denied** without prejudice as premature.

25 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Withdraw his Application for Leave
26 to Proceed *In Forma Pauperis* (ECF No. 10) is **granted**.

27 DATED this 28th day of August, 2017.
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GEORGE FOLEY, JR.
United States Magistrate Judge